

REMARKS

This paper is responsive to the Office Action dated May 29,2008 wherein claims 27-66 were rejected and claims 1-26 stand withdrawn pursuant to a requirement for restriction/election. By this paper, claim 27 has been amended and claims 27-66 remain pending in this application. In view of the following remarks, Applicants request further examination and reconsideration of the present patent application.

35 USC 112

The Examiner rejected claims 27-46 under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard their invention.

Applicants have amended claim 27 to meet the Examiner's requirement. Thus, Applicants request that the Examiner withdraw the rejection under 35 USC 112.

35 USC 102

The Examiner rejected claims 27-29, 47 and 48 under 35 U.S.C 102(e) as being anticipated by 'Breed' (US Patent Publication Application Number 2003/0227382).

With regard to the rejection, Applicants do not agree with this rejection. However, Applicants have reviewed their records related to conception of the present invention and of subsequent efforts towards reduction to practice. Based on this review, Applicants are preparing affidavits under 37 C.F.R § 1.131 to establish prior inventorship with regard to Breed reference. At the time of filing for this response, Applicants are in the process of having relevant affidavits executed and assembling supporting documentary evidence. Once executed, these affidavits and the accompanying evidence will be forwarded to the Examiner with an accompanying supplemental response. Thus, in view of the pending submission of affidavits the applicants believe that Breed fails to qualify as a prior art under 35 U.S.C 102(e). Pending execution and submission of the affidavits and evidence, the Applicants respectfully request that

the present communication be considered a bonafide response made in good faith to the present rejection in view of the respective reference.

35 USC §103

The Examiner rejected claims 30-32, 36, 39, 49, 50, 55 and 58 under 35 U.S.C 103(a) as being unpatentable over 'Breed' (US Publication Application Number 2003/0227382).

Applicants respectfully traverse the rejection in view of the submissions made in response to the 102(e) rejection. The Applicants respectfully submit that in view of the pending submissions of affidavits and related documents Breed fails to qualify as a proper prior art reference under 35 U.S.C 103(a)

The Examiner rejected claims 33-35 and 51-54 and 59 under 35 U.S.C 103(a) as being unpatentable over 'Breed' (US Publication Application Number 2003/0227382) in view of 'Ulrich' et al (US Patent Number 6,344,794).

Applicants respectfully traverse the rejection in view of the submissions made in response to the 102(e) rejection. The Applicants respectfully submit that in view of the pending submissions of affidavits Breed fails to qualify as a proper prior art reference under 35 U.S.C 103(a). Further, the additional reference Ulrich et al is not believed to obviate the deficiencies of Breed.

The Examiner rejected claims 37, 38, 56 and 57 under 35 U.S.C 103(a) as being unpatentable over 'Breed' (US Publication Application Number 2003/0227382).

Applicants respectfully traverse the rejection in view of the submissions made in response to the 102(e) rejection. The Applicants respectfully submit that in view of the pending submissions of affidavits Breed fails to qualify as a proper prior art reference under 35 U.S.C 103(a).

The Examiner rejected claims 40, 41, 46, 60, 61 and 66 under 35 U.S.C 103(a) as being unpatentable over 'Breed' (US Publication Application Number 2003/0227382) in view of 'Katagishi' et al (US Publication Application Number 2003/0120745).

Applicants respectfully traverse the rejection in view of the submissions made in

response to the 102(e) rejection. The Applicants respectfully submit that in view of the pending submissions of affidavits Breed fails to qualify as a proper prior art reference under 35 U.S.C 103(a). Further, the additional reference Katagishi et al is not believed to obviate the deficiencies of Breed.

The Examiner rejected claims 42-44 and 62-64 under 35 U.S.C 103(a) as being unpatentable over 'Breed' (US Publication Application Number 2003/0227382) in view of 'Katagishi' et al (US Publication Application Number 2003/0120745).

Applicants respectfully traverse the rejection in view of the submissions made in response to the 102(e) rejection. The Applicants respectfully submit that in view of the pending submissions of affidavits Breed fails to qualify as a proper prior art reference under 35 USC 103(a). Further, the additional reference Katagishi et al is not believed to obviate the deficiencies of Breed.

The Examiner rejected claims 45 and 65 under 35 U.S.C 103(a) as being unpatentable over 'Breed' (US Publication Application Number 2003/0227382) in view of 'Katagishi' et al (US Publication Application Number 2003/0120745) and further in view of 'Radican' (US Patent Number 6,148,291).

Applicants respectfully traverse the rejection in view of the submissions made in response to the 102(e) rejection. The Applicants respectfully submit that in view of the pending submissions of affidavits Breed fails to qualify as a proper prior art reference under 35 USC 103(a). Further, the additional references Katagishi et al and Radican are not believed to obviate the deficiencies of Breed.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 USC 103.

Summary

For the reasons set out above, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and allowance of the application are, therefore, respectfully requested.

If the Examiner believes that anything further is necessary to place the application in better condition for allowance, the Examiner is kindly asked to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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